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Office of Environmental Justice (OEJ)

EPA Environmental Justice Strategy: Executive Order 12898



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THE EPA'S ENVIRONMENTAL JUSTICE STRATEGY

April 3, 1995

Dear Reader:

Twenty-five years ago, our nation created -- virtually from scratch -- the most advanced system of environmental protection in the world. In that twenty-five years, our efforts to protect public health and the environment have made tremendous progress. We no longer have rivers catching on fire. Our skies are cleaner.

But much remains to be done. Forty percent of our rivers, lakes and streams are still too polluted for fishing and swimming. Many communities who still look to their rivers for fish to eat were unable to do so last year, when EPA issued some 1,000 fish advisories because the waters were too polluted. Two out of five Americans live in cities where the air does not meet public health standards. One in four Americans still lives within four miles of a toxic dump site.

On February 11, 1994, President Clinton issued Executive Order 12898 on environmental justice. This Order focuses Federal attention on the environmental and human health conditions of minority communities and low-income communities and calls on agencies to make achieving environmental justice part of their mission. President Clinton wanted Federal agencies to reinvent the way we approach environmental justice so that our day-to-day efforts will be more effective in protecting the public health and environment.

President Clinton and I believe that all Americans deserve to be protected from pollution -- not just those who can afford to live in the cleanest, safest communities. All Americans deserve clean air, pure water, land that is safe to live on, and food that is safe to eat. The Clinton Administration believes that protecting our environment means protecting our health -- the health of our families, our neighborhoods, our economy and our children.

We know that government cannot do the job alone. Our agencies want to work with all who can contribute to finding solutions -- communities, State, Tribal, and local governments, business, and environmental organizations. Together, we have developed strategies such as this one to help bring justice to Americans who are disproportionately affected by pollution: children exposed to lead paint in old buildings, farm workers exposed to high-risk pesticides, people who fish in polluted waters, and those who live near hazardous waste incinerators.

Early involvement and strong partnerships, founded on mutual respect and understanding, make good common sense and will result in sound public health and environmental policy. By bringing people to the table representing all sides of an issue, EPA will identify common ground, bridge old differences, and find new solutions. There is no doubt in my mind that when a neighborhood or community becomes informed and involved, they will do a far better job of deciding what is right for their children, for their air, for their water, than any government agency.

The partnership must also occur within the Federal government. As an agency whose primary mission involves protecting public health and the environment, we have much to offer our sister agencies. EPA has taken a leadership role in helping Federal agencies implement the Executive Order. It has also been a leader in efforts to tackle the unique problems confronting communities of color and low-income communities. Through the Interagency Working Group on Environmental Justice (IWG), which I chair, EPA has been building on existing relationships and forging new ones to address environmental justice problems which cross agency boundaries. For example, EPA has been working with the Department of Housing and Urban Development, and other partners, to address lead in public housing.

Through this strategy, we share our vision for giving the American people better access to information they need about our environment, as well as significant opportunities to participate in shaping the government policies that affect and protect our health and our environment. I look forward to the progress we can make, working together, in taking these important steps to provide protection for all American communities.

Sincerely,



Carol M. Browner

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TABLE OF CONTENTS

INTRODUCTION	1
MISSION AREAS	6
 PUBLIC PARTICIPATION, ACCOUNTABILITY, PARTNERSHIPS, OUTREACH, AND COMMUNICATION WITH STAKEHOLDERS	6
 HEALTH AND ENVIRONMENTAL RESEARCH	9
 DATA COLLECTION, ANALYSIS, AND STAKEHOLDER ACCESS TO PUBLIC INFORMATION	11
 AMERICAN INDIAN, ALASKA NATIVE AND INDIGENOUS ENVIRONMENTAL PROTECTION	13
 ENFORCEMENT, COMPLIANCE ASSURANCE, AND REGULATORY REVIEW	15
ENVIRONMENTAL JUSTICE MODEL PROJECTS	18
EPA ENVIRONMENTAL JUSTICE CONTACTS	Inside Back Cover

THE ENVIRONMENTAL PROTECTION AGENCY'S ENVIRONMENTAL JUSTICE STRATEGY

INTRODUCTION

EPA was established in 1970 in response to growing concerns about the problems and the difficulties in protecting public health and improving environmental conditions in our country. These concerns included unhealthy air, polluted rivers, unsafe drinking water, and waste disposal. EPA, and the Clinton Administration, believe that all Americans are important to the future of our nation and deserve to be protected from pollution, regardless of race, color, national origin, or economic circumstance. Early in her tenure, EPA Administrator Browner accepted the challenge to make environmental justice one of EPA's highest priorities. As part of the National Performance Review (NPR) efforts to reinvent government, the Administrator formed a team of EPA employees to focus on the Agency's mission, including environmental justice, and find solutions to problems that impede fulfillment of its mission.

On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and an accompanying Presidential memorandum, to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities. The Executive Order, as amended, directs Federal agencies to develop, by March 24, 1995 an Environmental Justice Strategy that identifies and addresses disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations.

DEVELOPMENT OF THE ENVIRONMENTAL JUSTICE STRATEGY

Our Goals:

- ◆ No segment of the population, regardless of race, color, national origin, or income, as a result of EPA's policies, programs, and activities, suffers disproportionately from adverse human health or environmental effects, and all people live in clean, healthy, and sustainable communities.
- ◆ Those who live with environmental decisions -- community residents, State, Tribal, and local governments, environmental groups, businesses -- must have every opportunity for public participation in the making of those decisions. An informed

Introduction

and involved community is a necessary and integral part of the process to protect the environment.

The Principles: The purpose of the Strategy is to ensure the integration of environmental justice into the Agency's programs, policies, and activities consistent with the Executive Order. As the Administrator said when the President issued the Executive Order:

"We will develop strategies to bring justice to Americans who are suffering disproportionately... We will develop strategies to ensure that low-income and minority communities have access to information about their environment--and that they have an opportunity to participate in shaping the government policies that affect their health and environment."

Our strategy and further efforts on environmental justice will be based on the following guiding principles:

- 1) Environmental justice begins and ends in our communities. EPA will work with communities through communication, partnership, research, and the public participation processes.
- 2) EPA will help affected communities have access to information which will enable them to meaningfully participate in activities.
- 3) EPA will take a leadership and coordination role with other Federal agencies as an advocate of environmental justice.

The Process: Since the NPR report and the issuance of the Executive Order, a number of steps were undertaken by the Agency:

- ◆ EPA established the Environmental Justice Steering Committee and Policy Workgroup to develop, help implement, and monitor EPA's environmental justice activities. The Steering Committee acts as a senior management "board of directors" to guide environmental justice at EPA. The Policy Workgroup, made up of senior-level staff, develops, implements, and reviews environmental justice policy. In addition, each Office and Region has established Environmental Justice Coordinators. These three groups are assisted by the Office of Environmental Justice.
- ◆ On April 11, 1994, EPA formed the National Environmental Justice Advisory Council (NEJAC), which is comprised of 23 representatives from academia, business and industry, State, Tribal, and local governments, environmental organizations, community groups, and non-governmental organizations. The NEJAC provides advice to the Agency on matters related to environmental justice.

Introduction

Communities and leaders of the environmental justice movement have taken leadership roles in this process.

- ◆ The EPA National Goals Project has held a series of public meetings around the country to identify major environmental priorities, including environmental justice issues. Environmental justice concerns are integrated into EPA's process of identifying national environmental goals.

The Steering Committee and Policy Workgroup have been developing an environmental justice strategy for the last year. The first step was the Environmental Justice Action Plan developed in response to the recommendations of the NPR. The Action Plan was incorporated into the Agency's draft outline of the Environmental Justice Strategy produced pursuant to the Executive Order. Expanding on the draft outline, Offices and Regions contributed substantially to this Strategy. The Strategy incorporates the Agency's work with the Federal Interagency Working Group on Environmental Justice, its task forces, and with other Federal agencies. It was produced with the hard work and expertise not only of those within the government, but, more importantly, with the support of a broad range of individuals outside the government who care about these issues.

The early documents leading up to the development of this final Strategy were developed with involvement of diverse people and groups working together. EPA recognizes that no process would be appropriate without up-front involvement of our communities and stakeholders. For example, the NEJAC and its four subcommittees have been actively involved in the strategy development process by reviewing and commenting on EPA's Environmental Justice Action Plan, EPA's draft outline, and draft strategy. At the January 1995 NEJAC meeting in Atlanta, NEJAC committees and subcommittees contributed substantial comments to the Draft Environmental Justice Strategy. EPA and other agencies held an interactive public forum to solicit comments on the draft Strategy from communities and stakeholders throughout the nation.

The strategy uses the term "minority" rather than "people of color" in order to be consistent with the Executive Order, but EPA is mindful and supportive of many communities' desire to use "people of color." The Strategy's uses of the term indigenous refers to all people within the boundaries and territories of the United States regardless of their affiliation with a federally-recognized Tribe. However, the Agency recognizes various terminology preferences among native people and will strive to respect and utilize appropriate language on a case-by-case basis in its interactions with native constituents.

This Strategy is a broad, framework intended to be a "Living Document" and an initial step in an ongoing effort to integrate environmental justice objectives into the Agency's activities.

INTEGRATION WITH OTHER EPA PRINCIPLES AND APPROACHES

The Environmental Justice Strategy is well-integrated into the fabric of many of the Agency's principles and initiatives which the Agency considers fundamental to its operation and mission. In fact, environmental justice is one of the seven guiding principles established in the Agency's strategic plan, "The New Generation of Environmental Protection." For example, in EPA's community based environmental protection, the Agency works with the affected communities in fashioning strategies to promote a healthy environment and a sustainable economy. Additionally, partnering with communities with minority low-income populations which may be suffering from disproportionately high and adverse human health or environmental effects should be a cornerstone of EPA's pollution prevention efforts. Another important partnership is with the States and Tribal governments in the operation of regulatory and enforcement programs. EPA recognizes the crucial implementation role of these State and Tribal partners, and will work with them to incorporate environmental justice into our efforts.

Furthermore, NPR activities underway provide a foundation for addressing institutional environmental justice issues in a more coordinated fashion. One example is the reorganization of the Agency's enforcement functions into the Office of Enforcement and Compliance Assurance (OECA). The reorganization allows the Agency to make better use of innovative compliance methods in cross-cutting areas such as multi-media enforcement, geographic initiatives, and industrial sectors, all of which should work to the benefit of affected communities.

The Agency has developed an overarching approach focused on establishing common sense principles and procedures for conducting the Agency's business. The Common Sense Initiative is a sweeping effort to work with industry on a sector-by-sector basis to address public health and environmental issues. It brings together communities, environmentalists, industry, States, Tribes, and others to develop cleaner, cheaper, and smarter solutions.

The Strategy has the following five environmental justice mission topics: 1) Public Participation, Accountability, Partnerships, Outreach, and Communication with Stakeholders; 2) Health and Environmental Research; 3) Data Collection, Analysis, and Stakeholder Access to Public Information; 4) American Indian and Indigenous Environmental Protection; and 5) Enforcement, Compliance Assurance, and Regulatory Reviews. The Strategy also contains a final section describing a number of model projects.

IMPLEMENTATION

Accompanying this Strategy will be EPA's Environmental Justice Annual Report which enumerates program and regional projects that are planned or underway consistent with this strategy. EPA Offices and Regions will be expected to update their existing environmental justice strategy or implementation plan to ensure adherence to the Agency guidance outlined in this Strategy. In addition, each Office and Region will be expected to develop mechanisms for stakeholder and community input, interagency/intergovernmental coordination, pilot projects, and real measures of progress. An evaluation of our progress on all these activities will be undertaken and completed by September 30, 1995.

Public Participation, Accountability, Partnerships, Outreach, and Communication with Stakeholders

PUBLIC PARTICIPATION, ACCOUNTABILITY, PARTNERSHIPS, OUTREACH, AND COMMUNICATION WITH STAKEHOLDERS

EPA will promote partnerships, outreach, and communication with affected communities, Federal, Tribal, State, and local governments, environmental organizations, academic institutions, non-profit organizations, and business and industry.

IMPORTANCE OF PUBLIC PARTICIPATION, ACCOUNTABILITY, PARTNERSHIPS, OUTREACH, AND COMMUNICATION

A comprehensive approach to identifying and addressing environmental justice concerns requires the early involvement of affected communities and other stakeholders. Additionally, approaches to effectively address environmental justice issues require partnership, the leveraging of resources, and coordination. Most significantly, in efforts to pool all available knowledge, EPA will access and incorporate expertise of local, affected community members throughout this process.

OBJECTIVES FOR PUBLIC PARTICIPATION, ACCOUNTABILITY, PARTNERSHIPS, OUTREACH, AND COMMUNICATION

- 1) Outreach and Partnerships:** To ensure their active public participation and to provide input early in environmental decision-making, EPA will enhance partnerships and coordination with stakeholders, including: affected communities, Federal, Tribal, State, and local governments, environmental organizations, non-profit organizations, academic institutions (including Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), and Tribal Colleges), and business and industry.
 - ◆ EPA will use the National Environmental Justice Advisory Council (NEJAC), along with input from other stakeholders, particularly those from affected communities, early in the decision-making process.
 - ◆ EPA will utilize public participation models, such as the one created by NEJAC, in its partnerships, and outreach and communication activities.
 - ◆ EPA will work to improve environmental education, training opportunities and partnerships with academic institutions, including HBCUs, HSIs, and Tribal

***Public Participation, Accountability, Partnerships,
Outreach and Communication with Stakeholders***

Colleges. EPA will improve communication, education, and outreach on environmental justice issues among all stakeholders.

- ◆ EPA will ensure that public documents and notices related to human health or the environment are concise, understandable to the community involved, and are made readily accessible to the public.
- ◆ Whenever possible and appropriate, EPA will publish public notices for EPA public meetings in languages other than English, in local and minority-oriented newspapers, and through electronic media, including radio and television. EPA will identify a network of translators to assist in conducting public meetings.
- ◆ EPA will ensure mailing lists include Tribal governments and organizations, environmental justice organizations, and other interested stakeholders including schools, civic associations, local business and industry associations, and religious institutions as appropriate.
- ◆ EPA will exchange information and expertise with affected stakeholders.
- ◆ EPA will work to ensure that future legislation will incorporate techniques to improve public participation.

2) ***Technical Assistance:*** EPA will examine its current technical assistance programs for minority communities and low-income communities.

- ◆ EPA will administer appropriate grant programs for and promote technical assistance to partners particularly small business, community-based organizations, and Tribal governments.

3) ***Training:*** EPA will encourage State, Tribal, and local governments to work with the Federal government to achieve environmental justice goals through training and other coordinated activities.

- ◆ EPA will incorporate an ongoing orientation and training program for its personnel on environmental justice issues, including those related to public participation, tribal relations, health research, and data gathering. The development of training programs will include input from stakeholders, including grassroots organizations. The training will be tailored to the needs of the Office or Region. Training kits may include: generic information on environmental justice, examples of model initiatives and projects, and public participation guidelines.

***Public Participation, Accountability, Partnerships,
Outreach and Communication with Stakeholders***

- ◆ EPA will offer training assistance to other Federal agencies and Tribal, State, and local officials on environmental justice issues.
- ◆ EPA will sponsor environmental justice seminars or workshops to focus on media-specific environmental justice activities and case examples.

4) Management Accountability: EPA will strengthen management accountability for environmental justice activities.

- ◆ EPA will reorganize to strengthen leadership and management of environmental justice activities in the Agency.
- ◆ EPA will develop a system for monitoring and evaluating program improvements resulting from the integration of environmental justice.
- ◆ Each Office or Region will develop a feedback mechanism for tracking environmental justice activities across the Office or Region, focusing on both major environmental justice projects and routine implementation of the policy by staff.

5) Public Participation in Facility Siting and Permitting: A major priority for the Office of Solid Waste and Emergency Response (OSWER) is to address the siting and permitting of hazardous waste facilities that might have a disproportionately high and adverse human health or environmental effect on minority or low-income communities.

- ◆ OSWER will improve public participation in siting and permitting decisions.
- ◆ Resolution of these issues is expected to focus on at least two major avenues: 1) early and ongoing public participation in permitting and siting decisions, and 2) active participation in the Agency-wide effort to develop methodologies for defining cumulative risk from multiple sources.

HEALTH AND ENVIRONMENTAL RESEARCH

In coordination with other Federal agencies, EPA will design and conduct environmental and human health research needed to support its environmental justice programs.

IMPORTANCE OF HEALTH AND ENVIRONMENTAL RESEARCH

Human health and environmental research is a cornerstone of informed decision-making to ensure a healthy environment. The main environmental justice objective for EPA's health and environmental research is to improve the scientific basis for decisions by conducting research and related activities to identify and prioritize environmental health risks, as well as pollution prevention opportunities for risk reduction. EPA recognizes that environmental justice issues are multi-disciplinary and that addressing them properly requires coordination with other research organizations and stakeholders.

OBJECTIVES FOR HEALTH AND ENVIRONMENTAL RESEARCH

1) *Research Partnerships:* Working with affected stakeholders:

- ◆ An early EPA priority will be to explore the dimensions of community-led research and to better integrate this model into EPA's research strategy.
- ◆ EPA will explore through pilot projects the resources and strategies necessary to help train community people to be effective collaborators in the research process. This training will include such things as decision-making processes, research design, questionnaire construction, data collection, and data analysis.
- ◆ EPA will work with minority communities and low-income communities under study to incorporate, to the extent practicable, their concerns and comments in EPA research design, data analysis, implementation, and information dissemination.
- ◆ EPA will work with the scientific community to improve health assessments and risk assessments and incorporate environmental justice including socioeconomic issues into its policies and guidance.

Health and Environmental Research

- ◆ EPA will support environmental justice research through (1) competitive grants to researchers examining environmental justice questions and, (2) exchange programs between EPA and non-governmental groups with a shared research agenda.
- ◆ EPA will expand interagency and other intergovernmental partnerships to ensure a coordinated research strategy and the ability to target cross-disciplinary projects in affected communities.

2) ***Sound Science:*** Working with affected stakeholders, EPA will conduct research in areas where it can make the greatest contribution to environmental justice and in a manner to ensure that the Agency's environmental justice policies are based on sound science.

- ◆ EPA, in coordination with other Federal agencies, will: collect, analyze, and maintain information on fish and/or wildlife subsistence consumption patterns, conduct research, develop methodologies, collect data, and publish guidance on the human health risks and effects associated with the consumption of pollutant-bearing fish, and wildlife. EPA will communicate the risks of those consumption patterns and work to integrate differential consumption patterns of natural resources and exposure patterns into the Agency's regulations, guidance, policies, and other activities.
- ◆ EPA will continue to develop human exposure data and will address exposure in at least three main areas: methods development, model development, and monitoring data.
- ◆ EPA will assess major pollution sources of high environmental risks in communities and support pollution prevention with research, as needed, to reduce risk from those sources.
- ◆ EPA will evaluate the current state of knowledge in exposure and cumulative risk fields, and then identify data gaps and research needs. In particular, research needs to include diverse exposed populations in epidemiological and clinical studies, especially those population segments at high exposure.
- ◆ EPA's risk characterization guidance will help communicate risks by characterizing the most important findings and conclusions. Risk characterization includes the strengths, weaknesses, and assumptions of the risk data and analysis and a comparison to other risks.
- ◆ EPA will work to ensure that future legislation will be responsive to environmental justice health research and data needs.

DATA COLLECTION, ANALYSIS, AND STAKEHOLDER ACCESS TO PUBLIC INFORMATION

EPA's mission of protecting public health and the environment depends on individuals within and outside of the Federal government having access to good data for informed decision-making.

IMPORTANCE OF DATA COLLECTION, ANALYSIS, AND ACCESS

A sound information resource management foundation is vital to the Agency in its ability to provide objective, reliable, and understandable information for our programs and stakeholders. By strategically managing and integrating information, the Agency will better understand environmental justice issues and make better decisions. EPA will work with affected communities, State, Tribal, and local governments, and others to have the best possible information available to identify and address disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

OBJECTIVES FOR DATA COLLECTION, ANALYSIS, AND ACCESS

- 1) Addressing Data Gaps:** EPA will conduct an inventory of the Agency's major data systems to identify uses, limitations, and gaps.
 - ◆ EPA will work to fill data gaps including those related to pollution prevention in affected communities and those identified by affected communities through interactive needs assessments.
 - ◆ EPA will examine, and expand, as appropriate, its databases to identify major facilities or sites, including Federal and non-Federal facilities or sites (covered by the Executive Order), that could pose a substantial environmental, human health, or economic effect on the surrounding populations.
 - ◆ EPA will coordinate with public health departments and other Federal agencies to improve environmental health and exposure databases.
 - ◆ EPA, in partnership with affected stakeholders, will:
 - ◆ identify methods of combining data and performing analysis for geographical and exposure information, and will publish guidance on how to use these methods to address environmental justice.

Data Collection, Analysis, and Stakeholder Access to Public Information

- ◆ increase the accuracy of its locational data for major facilities or sites of potential toxic releases and environmental quality monitoring points in affected communities.
- 2) ***Improving Quality and Reducing Burdens of Data Reporting:*** In partnership with affected stakeholders:
 - ◆ EPA, in coordination with other Federal agencies and State, Tribal, and local governments, will work to create effective reporting mechanisms, including electronic reporting, to minimize cumbersome or duplicative reporting requirements and to improve accuracy.
 - ◆ EPA will develop key identifiers, assist citizen reporting of key data elements, and facilitate analysis of human health and environmental data.
- 3) ***Data Integration and Analysis:*** In partnership with affected communities and stakeholders:
 - ◆ EPA will promote the use of Geographical Information Systems (GIS) to enhance identification of disproportionately affected communities.
 - ◆ EPA will integrate the Agency's information resource management process linking environmental priorities, data needs, and resource investments.
 - ◆ EPA will collect, analyze, and disseminate data that will compare environmental and human health risks to populations identified by race, national origin, or income.
- 4) ***Improving Public Access:*** In partnership with affected stakeholders:
 - ◆ EPA will work to provide, as appropriate and practicable, direct stakeholder and user involvement in the design, implementation, and evaluation of its information systems.
 - ◆ EPA information systems, as appropriate and practicable, will allow two-way communication between the Agency and community information users.
 - ◆ EPA will produce educational materials to assist the public in their effective use of EPA data.
 - ◆ EPA will make available to the public, information it collects on populations surrounding major facilities or sites.

AMERICAN INDIAN, ALASKA NATIVE, AND INDIGENOUS ENVIRONMENTAL PROTECTION

EPA will work with Federally-recognized Tribal governments, Tribal and indigenous organizations, affected native populations, the Tribal Operations Committee, and the National Environmental Justice Advisory Council to integrate the provisions of the Executive Order into EPA's environmental policies, programs, and activities.

IMPORTANCE OF AMERICAN INDIAN, ALASKA NATIVE, AND INDIGENOUS ENVIRONMENTAL PROTECTION

While other sections of this Strategy specifically include, where appropriate, Federally-recognized Tribal governments and/or indigenous people, this section addresses environmental justice issues that are unique to Federally-recognized Tribal governments, their members, and other indigenous communities. Many initiatives aimed at achieving environmental justice are steps towards achieving more broad public participation and equity in environmental protection for American Indians and indigenous communities. Environmental protection for American Indians, Alaska Native, and indigenous communities is a critical part of the Agency's mission. This is illustrated by the Agency's Indian Policy, the establishment of the Tribal Operations Committee, the creation of the American Indian Advisory Council and the American Indian Environmental Office, and the incorporation of indigenous issues through the National Environmental Justice Advisory Committee and the Office of Environmental Justice.

OBJECTIVES FOR AMERICAN INDIAN, ALASKA NATIVE, AND INDIGENOUS ENVIRONMENTAL PROGRAMS

- ◆ EPA will continue to work with other Federal agencies and Federally-recognized Tribes to effectively protect and improve Tribal health and environmental conditions. These activities will include: providing outreach, education, training, and technical, financial and legal assistance to develop, implement, and maintain comprehensive Tribal environmental programs, which will undertake the remediation of environmental hazards and the development and implementation of Tribal environmental codes and Tribal-EPA Agreements to address Tribal needs, program delegations, and direct Federal implementation.
- ◆ EPA will implement its programs both for American Indians and indigenous communities, recognizing the government-to-government relationship, the Federal Trust responsibility, Tribal sovereignty, treaty-protected rights, other tenets of Federal Indian law, and particular historical and cultural needs of Tribes and indigenous populations. To ensure consistency, the Office of Environmental Justice, the Environmental Justice Coordinators,

American Indian, Alaska Native, and Indigenous Environmental Protection

the American Indian Environmental Office, the Office of Enforcement and Compliance Assurance, and the Indian Coordinators will work closely to coordinate activities.

- ◆ Human health and environmental research and other activities involving Tribal and indigenous environments and communities will take into account the cultural use of natural resources. These activities will seek contributions from Tribal governments and indigenous people in order to incorporate their traditional understandings of, and relationships to, the environment.
- ◆ EPA will work with other Federal agencies, Federally-recognized Tribal governments, and environmental justice advocates to develop appropriate guidance for addressing indigenous grassroots environmental justice issues and encourage public participation processes for environmental protection activities.
- ◆ EPA will work with Tribal governments and indigenous populations to protect and sustain Tribal and indigenous health, environments, and resources.

ENFORCEMENT, COMPLIANCE ASSURANCE, AND REGULATORY REVIEW

EPA will include a focus on environmental justice issues in its enforcement initiatives and through compliance analysis, data analysis, and regulatory review relating to populations covered by the Executive Order. EPA will implement Title VI of the Civil Rights Act and will consider environmental justice issues through the review of and comments on other Federal agencies' proposals and actions under the National Environmental Policy Act and Section 309 of the Clean Air Act.

IMPORTANCE OF ENFORCEMENT, COMPLIANCE ASSURANCE, AND REGULATORY REVIEW

Strong and effective enforcement of environmental and civil rights laws is fundamental to virtually every mission of EPA. The Agency recognizes that conditions affecting covered populations (populations covered in the Executive Order), whether in rural or urban areas, can result from multiple exposures, high-level exposures from a single source, and chronic non-compliance. The pollution comes from diverse sources, including both private and Federal facilities. The Presidential memorandum issued with the Executive Order emphasizes that existing laws, including the National Environmental Policy Act (NEPA) and Title VI of the Civil Rights Act of 1964, provide opportunities for Federal agencies to address environmental hazards in minority communities and low-income communities. The Agency further recognizes that it must, along with its Federal, Tribal, and State partners, work to identify and respond to any regulatory gaps in the protection of covered populations.

OBJECTIVES FOR ENFORCEMENT, COMPLIANCE, AND REGULATION

- 1) Strategic Enforcement of Environmental Statutes:** EPA will incorporate environmental justice concerns into its program for ensuring compliance with Federal environmental requirements at both private and Federal facilities. The Agency will review and revise as needed significant policy and guidance documents to address environmental justice issues. A major feature of this approach will be to ensure that EPA's enforcement and compliance assurance activities include a focus on minority communities and low-income communities which suffer from disproportionately high and adverse human health or environmental effects. EPA will use, as appropriate, the full range of tools available to it to correct noncompliance in such communities. EPA will ensure that Memoranda of Agreement between Headquarters and Regional offices reflect environmental justice activities and will include environmental justice as a specific component of program reviews.

Enforcement, Compliance Assurance, and Regulatory Review

- ◆ EPA will include in its enforcement efforts identification of communities and populations, such as low-income urban and rural populations which suffer from disproportionately high and adverse human health or environmental effects. EPA will work to ensure that inspection and enforcement actions are sufficient to address those effects.
- ◆ EPA's focused efforts will use the most current demographic information (using Geographic Information System mapping techniques), Toxics Release Inventory data, media specific and multi-media data, community reports, and relevant health statistics.
- ◆ EPA will customize its enforcement and compliance assurance program for affected communities to reflect the needs of the community and the particular compliance problems in that community. EPA will also use technical support and assistance as a supplement to traditional enforcement as appropriate.
- ◆ EPA will actively encourage the use of creative approaches to settlement of enforcement actions, particularly where violations have been identified in communities disproportionately impacted by environmental problems (traditionally, many enforcement actions have been resolved by assessing cash penalties and imposing "end of pipe" solutions). Specifically, Regions and States will be encouraged to obtain Supplemental Environmental Projects (SEPS) which promote pollution prevention, remedy environmental damage, and collect adequate monetary fines. The goal of the projects will be to reduce long-term exposures within the affected community.
- ◆ EPA will work with academic institutions, including HBCUs, HSIs, and Tribal Colleges, and other local environmental justice groups to develop an educational program that provides affected communities with information on environmental protection, such as statutory and regulatory matters; citizen rights under Federal and State environmental statutes; whistle-blower protection for employees; the interpretation of data on performance available to the public; and the regulator's role in ensuring compliance.

2) National Environmental Policy Act (NEPA) and Clean Air Act (CAA) Section 309

Responsibilities: Under the authority of NEPA and Sec. 309 of the CAA, EPA will, consistent with regulations and guidelines issued by the President's Council on Environmental Quality, routinely review the environmental effects of major Federal actions significantly affecting the quality of the human environment. For such actions, EPA reviewers will focus on the spatial distribution of human health, social, and economic effects to ensure that agency decisionmakers are aware of the extent to which those impacts fall disproportionately on covered communities.

Enforcement, Compliance Assurance, and Regulatory Review

- ◆ EPA will aid Federal officials in their review of Federal actions as it relates to carrying out its responsibilities under NEPA and CAA Sec. 309.
- ◆ EPA will consider holding workshops and seminars with Sec. 309 reviewers and NEPA coordinators to further explore environmental justice impact analysis methods.

3) ***Non-discrimination:*** EPA will work to ensure non-discrimination in the development and implementation of environmental protection programs.

- ◆ EPA will improve its implementation of requirements of Title VI of the Civil Rights Act of 1964 (Title VI) by issuing guidance, and conducting oversight for State and local recipients of EPA funding.
- ◆ EPA will develop guidance on the requirements of Title VI for carrying out Federally-authorized State permitting programs under the Clean Air Act, Clean Water Act, and the Resource Conservation and Recovery Act.
- ◆ EPA will work to develop case referral guidance, training materials on environmental justice and Title VI, and materials on Title VI compliance reviews.
- ◆ EPA will develop guidance on non-discrimination responsibilities of the Agency under the Executive Order.

4) ***Regulatory Review:*** EPA will work to ensure that environmental justice is incorporated into the Agency's regulatory process.

- ◆ EPA will complete its Regulatory Impact Analysis Guidance. This will provide the Agency guidance on ways to incorporate environmental justice into its regulatory development process.
- ◆ A cross-Agency work group on grants and environmental justice will examine options for incorporating environmental justice into EPA's grant programs to adequately reach minority populations and low-income populations and make recommendations to the Steering Committee on implementation.
- ◆ EPA will work with other Federal agencies and State, Tribal, and local governments to address environmental problems involving jurisdictional disputes or gaps in environmental laws.
- ◆ EPA will work to address cross-border pollution.

ENVIRONMENTAL JUSTICE MODEL PROJECTS

INTRODUCTION

In its recommendations to EPA, the NEJAC strongly supported the use of model or pilot projects to generate opportunities and examples for grassroots communities, government agencies, and business to address environmental justice concerns. Many EPA Offices and Regions have distinguished themselves in this area by creating model projects that reflect a "re-invented" way of doing business. The following are samples of these projects. For a complete list of projects, please contact the Office of Environmental Justice.

BROWNFIELDS ECONOMIC REDEVELOPMENT PILOTS

EPA, in partnership with the Departments of Housing and Urban Development, Labor, Energy and Commerce's Energy Development Agency, are working to leverage and coordinate federal resources promoting job training, economic development and community empowerment at local Brownfields sites. EPA has launched a major initiative to encourage cleanup and revitalization of idled, abandoned or underused industrial or commercial facilities where opportunities for expansion or redevelopment are complicated by existing or potential environmental contamination. OSWER will establish approximately 50 demonstration projects that will lead to the assessment and cleanup of these "Brownfields," and is also making several administrative changes which can be made to facilitate cleanup and redevelopment without lowering cleanup standards (e.g., endorsing State voluntary cleanup programs, deleting 25,000 sites from the Superfund Inventory that are of no current Federal interest, clarifying liability concerns, and developing soil screening levels).

The Brownfields Pilots will encourage community groups, investors, lenders, developers, and other affected parties to address how these lands can be redeveloped and bring jobs and vitality back to our nation's older industrial and commercial communities. The Brownfields Projects will explore ways in which cleanup for redevelopment might work, providing a series of models for States and localities struggling with such efforts. Findings and experience from these pilots will serve as a foundation for a national EPA strategy to stimulate economic redevelopment through environmental cleanup. The strategy will provide guidance on successful processes for cleaning up and returning contaminated, abandoned industrial Brownfields to productive use.

In all of these economic redevelopment activities, OSWER is seeking ways to improve communications, develop trust and involve the affected communities. For example, the NEJAC Waste and Facility Siting Subcommittee is co-sponsoring a series of public forums to ensure that

environmental justice concerns are fully incorporated into economic redevelopment and revitalization projects. OSWER and the Regions are also exploring the creation of business and industry, stakeholder and other types of public/private partnerships to address environmental justice concerns.

PUBLIC HEALTH PILOT ACTIVITIES

OSWER has initiated pilots in partnership with the Health and Human Service Departments to respond to health concerns of communities living near hazardous waste sites. The Superfund Medical Assistance Work Group (SMAWG) was established and developed the Medical Assistance Plan (MAP). MAP, consisting of six elements which will vary according to a community's need for assistance and the availability of resources, will be implemented in phases. The first phase will assess the health care needs and concerns of the community and evaluate the primary care capacities in that community. The second phase consists of five components, including technical assistance to local agencies and health care providers; environmental health education for health care providers; medical testing for residents assessing any health effects possibly related to hazardous substance exposure; referral to specialty clinics or specialists; and medical follow-up of persons with documented exposures to hazardous substances or with adverse health conditions related to possible exposures.

SOUTHEAST CHICAGO ENVIRONMENTAL INITIATIVE

Southeast Chicago is a mosaic of predominately poor or working class, African-American, Hispanic, and white neighborhoods. It is an area of high structural unemployment and multiple environmental problems, including a concentration of disposal sites, countless urban Brownfields, and heavy industries. Located within Southeast Chicago is Altgeld Gardens, a public housing community for thousands of low-income African-Americans and is surrounded by a number of polluting facilities--landfills, incinerators, oil refineries, a paint factory, a steel mill, a sewage treatment plant, a chemical plant, a scrap metal yard, a lagoon, a sludge drying bed, and a freeway. This community has a high concentration of severe environmental problems and concerns.

EPA Region 5 developed the Southeast Chicago Urban Environmental Initiative Action Plan, a framework to improve the environmental conditions of the community. This unique partnership hopes to bring together representatives of the government, industry, community, and environmental groups. Agencies and actions targeted include:

- ◆ The Agency for Toxic Substances and Disease Registry (ATSDR) is conducting health assessments of the Southeast Chicago community;

Environmental Justice Model Projects

- ◆ The Department of Housing and Urban Development is developing residential lead-based paint removal projects and other environmental improvements; and,
- ◆ EPA, Chicago's Department of Environment, and the Illinois Environmental Protection Agency are working together to ensure tougher enforcement and compliance of existing environmental regulations.

MISSISSIPPI DELTA PROJECT

The Mississippi Delta area has a high concentration of transportation routes, heavy and petrochemical industries, waste sites, and other facilities. Environmental justice organizations have complained that many of these facilities are sited close to minority communities and that these communities are disproportionately exposed to environmental pollution. An interagency steering committee comprised of ATSDR, the Center of Disease Control (CDC), Occupational Safety and Health Administration (OSHA), EPA, and the State Health and Environmental departments is working to address these issues.

The goal of this interagency project is to reduce environmental hazards and to prevent them from adversely affecting minority populations and low-income populations residing in the highly industrialized areas along the Mississippi River. This project covers 219 counties in seven States (Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee), affecting more than 8.3 million people. The project is designed to: (1) identify the key environmental hazards that might affect high risk communities; (2) evaluate the public health impact on high exposure populations; (3) increase health care delivery services in the region, including capacity of State and local health departments to address public health associated with environmental exposures; and (4) engage HBCUs and other academic institutions to help increase environmental awareness in these communities. This project represents the largest, geographic-specific public health initiative ever attempted to study the association between hazardous environmental exposure and health effects in minority communities and low-income communities.

NEW MEXICO AND TEXAS COLONIAS BORDER PROJECTS

Colonias are Hispanic rural neighborhoods and unincorporated subdivisions in or near cities in Texas, New Mexico, Arizona, and California along the U.S.-Mexico border. Between Texas and New Mexico there are about 1,200 colonias with an estimated population of 300,000 people. Colonias are characterized by substandard housing, inadequate plumbing and sewage disposal systems, and inadequate access to clean water. The common thread is the

potential and immediate health threat due to inadequate or lack of safe potable water and sewage disposal.

Under recent grants from New Mexico, nine facility plans and four construction design plans are nearing completion for the thirteen new wastewater collection and treatment systems to serve colonias in New Mexico. This grant program, administered by the New Mexico Environment Department, is made possible through a grant by EPA Region 6.

The Texas Natural Resources Conservation Commission has awarded fifteen grants to provide waste water collection and treatment systems in Texas Colonias. These projects will affect 64,000 colonias residents. Additional facility plans are being prepared for six colonias which have received grants for innovative/alternative methods of wastewater collection and treatment. These six projects are designed to identify low cost methods of wastewater treatment for colonia application.

PENNSYLVANIA RISK AND ENFORCEMENT PROJECTS

The City of Chester has among the highest concentration of industrial facilities in Pennsylvania. Chester hosts a number of waste processing plants and two oil refineries. All solid waste from Delaware County is incinerated in Chester and at least 85 % of raw sewage and associated sludge is treated there. A large infectious medical waste facility was also recently sited in Chester. Many of the plants are located in close proximity to low-income, minority residential neighborhoods. In fact, a clustering of waste treatment facilities have been permitted within 100 feet of over 200 Chester homes.

Chester residents are concerned about the health effects of living and working amid toxic substances and complain of frequent illness. Of cities in the State, Chester has the highest infant mortality rate, the lowest birth rate, and among the highest death rate due to certain malignant tumors.

In response to the Chester community concerns, EPA Region 3 has committed to a major initiative involving two studies addressing environmental regulatory and pollutant impact/risk exposure issues. The first was a 30-day study of EPA's legal authority for existing and proposed facilities in the Chester area. As a result of the 30-Day Study, the Region has focused enforcement actions and just recently issued field citations to a number of underground storage tanks located in Chester and the nearby area of Marcus Hook. Other focused enforcement-related activities are proceeding in air toxics reduction and compliance, innovative settlements for toxic emissions violators, and multi-media compliance reviews.

In addition, an 180-day study, conducted by a team of toxicologists working with State and local officials is assessing all available environmental media and human exposure

pathways. Work products will be displayed through a Regional Geographic Information System overlaying industrial facilities data, NPL sites and small quantity waste generators, and air emissions data.

BALTIMORE URBAN ENVIRONMENTAL INITIATIVE

The Baltimore Urban Environmental Initiative (URI) is an interagency activity being conducted by Region 3 in cooperation with the City of Baltimore and the Maryland Department of the Environment. The URI is designed to identify and rank areas of disproportionate risk in Baltimore City for purposes of implementing risk reduction, pollution prevention, public awareness, and other appropriate environmental activities to minimize risks. The Baltimore URI has both short- and long-term tracks. The short-term efforts address issues of immediate concern as well as initial data collection, data analyses, and project planning. The long-term effects will be expanded in areas that warrant continued action.

A project development and problem identification report for the URI will describe the data gathering and risk identification and characterization efforts in support of the overall Initiative. Data has been gathered from a number of existing environmental and demographics-based databases in order to identify and evaluate human health and ecological threats for purposes of targeting risk reduction/prevention activities. Quantitative and qualitative risk assessment methods have been applied and displayed through the use of a Geographic Information System.

The short-term efforts, based upon preliminary risk analyses, applied the knowledge and experience of an interagency team to jointly target areas of environmental concern that could benefit from immediate action. The six areas of concern identified were: 1) lead; 2) hazardous materials incident; 3) fish consumption/toxics in the Harbor; 4) air toxics; 5) ground-level ozone; and 6) indoor air and radon. Individual action teams were formed to address each issue. These teams were responsible for developing action agendas to address the overall goals of risk reduction, pollution prevention, and outreach and education, for each risk area.

LEAD ABATEMENT TRAINING AND EMPLOYMENT OPPORTUNITIES FOR THE INNER CITY COMMUNITY

EPA, the Commonwealth of Massachusetts, the city of Boston, and Roxbury Community College, joined by local community groups, have undertaken a pilot project to train unemployed workers in a minority community to remove harmful lead paint from homes and bridges, and provide specialized training so that minority contractors can gain access to State and city lead paint abatement contracts. Eighty-five percent of Boston's 230,000 public housing units contain lead-based paint and less than 2% have been abated to date. The current workforce of 21 minority contracting firms is limited; this project closes the gap between trained workers and contract workers.

Boston's Office of Public Facilities received a \$3.5 million grant from the U.S. Department of Housing and Urban Development (HUD) to do lead abatement of 400,000 housing units. Massachusetts Housing Finance Agency will invest \$2.5 million to de-lead 2,000 housing units in Boston. In addition, this pilot project will also build the management capacity of struggling minority firms to support bonding, insurance, and equipment expenditures necessary to compete on large lead abatement contracts.

COMMUNITY CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION OUTREACH AND TRAINING

Kellogg, Idaho, is one of the communities within the Bunker Hill Superfund site boundaries. Once a mining/smelting industry town, the area now faces a multi-million dollar cleanup effort. This primarily blue collar community must also confront a 25% unemployment rate. Citizens were concerned that despite an increase in local employment opportunities, jobs are not being filled locally. Contractors were encouraged by EPA to hire locally, but most local individuals had not completed the 40-hour health and safety training required for employment at cleanup sites.

The Region 10 Superfund Site Response Section is piloting a program which conducts hazardous waste health and safety training for communities with nearby cleanup sites. In 1993 and 1994, Region 10's training targeted communities with high unemployment rates, with the goal of aiding the local workers' eligibility for employment by cleanup contractors at nearby Superfund sites. For example, 90 people in Kellogg, Idaho, were trained and certified, making them eligible for employment at the nearby Bunker Hill Superfund Site. The project's success was in addressing the unemployment rate and in providing local education and awareness training.

Training was also conducted for the Makah tribe at Neah Bay, the Coeur d'Alene tribe, and for Galena, Alaska (an Alaska Native Village). Operational level emergency response training was conducted in Fairbanks, Alaska for the Tanana Chiefs Council. Future training efforts will include Tok, Alaska and other communities that request training as a method for becoming integrated into nearby clean-up efforts.

WATER PROJECTS FOR RURAL COMMUNITIES

EPA's Office of Water, in partnership with the Office of Environmental Justice, is sponsoring a series of 14 projects around the country to address the pressing water and wastewater needs of underserved rural minority communities. EPA is working with the Rural Community Assistance Program (RCAP), which is responsible for the actual implementation of the projects. The overall goal of the effort is to demonstrate effective approaches for providing essential water and wastewater services to selected African American, Hispanic, and Tribal communities.

Each project will last approximately one year. During this period, RCAP field offices will take various steps to address the specific needs of these communities. Some of the services provided by RCAP include training and education on properly operating and maintaining alternative wastewater and water treatment systems, identifying affordable treatment options for these communities, and helping communities access affordable sources of funding. This initiative targets underserved, rural, and Tribal communities.

LOUISIANA ENVIRONMENTAL JUSTICE PROGRAM

Louisiana is one of the first States to set up a formal environmental justice program to address its wide-ranging environmental issues. The Louisiana Department of Environmental Quality (LDEQ) implemented an Environmental Justice Program under a grant from EPA Region 6. Fact-finding public hearings are being used to serve as a forum for discussion and resolution of local environmental justice issues. The Department hired a full-time coordinator to establish Environmental Justice Advisory Panels comprised of community and industry representatives.

In the first year of the program, the State hosted public meetings and built the foundation of an environmental justice program within the Louisiana Department of Environmental Quality. A follow-up grant was given to LDEQ to continue the environmental justice work with formation of community advisory boards (environmental justice panels) in key pilot parishes around the State.

OPEN AIRWAYS FOR SCHOOLS

According to recent statistics from the American Lung Association (ALA), asthma deaths in urban minority children have increased 30% over a ten-year period. While the reasons for this increase are many, indoor air pollutants are among the leading factors. To address this problem, the Office of Air and Radiation in partnership with the American Lung Association and Zeta Phi Beta (a national women of color sorority) have launched a model school-based asthma health education program for children with asthma, their parents, and their teachers.

The program, called Open Airways for Schools, focuses on developing asthma management skills for students, helping parents and teachers create more supportive environments for asthmatic children and developing activities to reduce indoor pollutants. This partnership between EPA, ALA, and Zeta Phi Beta sorority will impact millions of urban, poor households with asthmatic children.

MASTER HOME ENVIRONMENTALIST PROGRAM

Region 10, in conjunction with the City of Seattle and the YMCA, has established a Master Home Environmental Program which is designed to reduce exposures from toxic materials and pollutants in the home. The focus is on indoor pollutants including lead, contaminated soil, toxics, in-house dust, hazardous household chemicals and pollutants from smoke and tobacco products. A group of Seattle Health Department nurses is working with low-income families in the Women, Infants, and Children (WIC) program to provide them with information on home toxics and lead. The program targets communities with higher populations of minority and low-income residents and relies on volunteers, many from the targeted communities. Volunteers who successfully complete the training present this information to community groups and organizations, and assist people in implementing a survey of pollution problems in their homes.

ENVIRONMENTAL JUSTICE CONTACT LISTING

USEPA - HEADQUARTERS CONTACTS:

401 M Street S.W., Washington, D.C. 20460
Use Mail Code (MC) for Each Office.

OFFICE OF ENVIRONMENTAL JUSTICE
Dr. Clarice E. Gaylord - MC-3103
800/962-6215, 202/260-6357

**AMERICAN INDIAN ENVIRONMENTAL
OFFICE - MC-3103**
Elizabeth Bell: 202/260-8106

OFFICE OF AIR AND RADIATION
MC-6101
Will Wilson; 202/260-5574

OFFICE OF CIVIL RIGHTS - MC-1201
Rodney Cash: 202/260-4582

**OFFICE OF COMMUNICATION,
EDUCATION AND PUBLIC AFFAIRS**
MC-1702
Doretta Reaves; 202/260-3534

**OFFICE OF ENFORCEMENT AND
COMPLIANCE ASSURANCE - MC-2225**
Sherry Milan; 202/260-9807

OFFICE OF GENERAL COUNSEL
MC-2378R
Mary O'Lone: 202/260-5313

**OFFICE OF POLICY, PLANNING AND
EVALUATION - MC-2125**
Janice Bryant: 202/260-2730

**OFFICE OF PREVENTION, PESTICIDES &
TOXIC SUBSTANCES - MC-7101**
Shantrel Brown: 202/260-6906

**OFFICE OF REGIONAL OPERATIONS &
STATE/LOCAL RELATIONS - MC-1502**
Janice Berry-Chen: 202/260-3870

**OFFICE OF RESEARCH AND
DEVELOPMENT - MC-8105**
Lawrence Martin; 202/260-7667

**OFFICE OF SOLID WASTE AND
EMERGENCY RESPONSE - MC-5101**
Greg Merm: 202/260-5711

OFFICE OF WATER - MC-4102
Sandra Germann; 202/260-5410

USEPA - REGION CONTACTS:

USEPA, REGION 1
James Younger; 617/565-3403
One Congress Street, 10th Floor
Boston, MA 02114

USEPA, REGION 2
Melva Hayden; 212/637-5027
290 Broadway, 26th Floor
New York, NY 10007

USEPA, REGION 3
Reginald Harris; 215/597-6529
841 Chestnut Building
Philadelphia, PA 19107

USEPA, REGION 4
Vivian Malone-Jones; 404/347-3555, Ext.6764
345 Courtland Street, NE
Atlanta, GA 30365

USEPA, REGION 5
Gina Rosario; 312/353-4716
Waste Management Division (HM7J)
77 West Jackson Blvd.
Chicago, IL 60604-3507

USEPA, REGION 6
Lynda Carroll; 214/665-7200
First Interstate Bank, at Front Pl.
1445 Ross Ave., 12th Floor, Suite 1200
Dallas, TX 75202-2733

USEPA, REGION 7
Rupert Thomas; 913/551-7282
726 Minnesota Avenue
Kansas City, KS 66101

USEPA, REGION 8
McI McCottry; 303/293-1645
999 18th Street, Suite 500
Denver, CO 80202-2405

USEPA, REGION 9
Lori Lewis; 415/744-1561
75 Hawthorne Street
San Francisco, CA 94105

USEPA, REGION 10
Joyce Crosson-Kelly; 206/553-4029
Planning and Evaluation Branch
1200 Sixth Avenue (MD-142)
Seattle, WA 98101